

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ANTHONY J. BRODZKI,

Plaintiff,

vs.

COOK COUNTY, ILL.,

Defendant.

Case No.: 2:12-cv-00104-GMN-CWH

**ORDER**

Pending before the Court is the Report and Recommendation of United States Magistrate Judge C. W. Hoffman, Jr. (ECF No. 3.) Plaintiff Anthony J. Brodzki filed an Objection (ECF No. 7). For the reasons discussed below, the Court will accept in full Judge Hoffman's Report and Recommendation.

**I. BACKGROUND**

This action was referred to Judge Hoffman pursuant to 28 U.S.C. § 636(b)(1) and District of Nevada Local Rules IB 1-4 and 1-9. Judge Hoffman granted Plaintiff's application to proceed *in forma pauperis*, ordered the Clerk of the Court to file the Complaint (ECF No. 4), and recommended that this Court enter an order dismissing Plaintiff's Complaint with prejudice for failure to state a claim upon which relief can be granted. (R&R, ECF No. 3.)

In the Report and Recommendation, Judge Hoffman made the following findings:

Pursuant to 18 U.S.C. § 1915(d), the Court may dismiss "claims whose factual contentions are clearly baseless," such as "claims describing fantastic or delusional scenarios." *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989). The court finds that Plaintiff's factual claims describe fantastic and delusional scenarios and do not state a claim upon which relief can be granted. Because Plaintiff's Complaint does not set forth a plausible claim, it is recommended that the Complaint be dismissed with prejudice. Because allegations of other facts would not cure it, Plaintiff is not entitled to an opportunity to amend his Complaint.

(R&R, 3:3-9.)

1 **II. LEGAL STANDARD**

2 A party may file specific written objections to the findings and recommendations of a  
 3 United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B);  
 4 D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo*  
 5 determination of those portions of the Report to which objections are made. *Id.* The Court may  
 6 accept, reject, or modify, in whole or in part, the findings or recommendations made by the  
 7 Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. IB 3-2(b).

8 **III. DISCUSSION**

9 Plaintiff appears to object to Judge Hoffman's finding that any amendment would be  
 10 futile and that allegations of other facts would not likely cure the deficiencies in Plaintiff's  
 11 Complaint. (Obj. to R&R, ECF No. 7.) Plaintiff requests leave to amend, apparently citing  
 12 other cases in which he is a plaintiff and was granted leave to amend, and describing purported  
 13 conversations with "the cook county states attorney, Kathy muldoon" to support his claim that  
 14 "its true, competent evidentiary matter exists" to support his Complaint and his allegations that .  
 15 (*Id.*) Plaintiff also claims that "Judge Cam Ferenbach knows of this equipments [sic] existence,"  
 16 apparently referring to the "police disorientation equipment" described in his Complaint. (*Id.*)

17 Upon *de novo* review of the Complaint and Plaintiff's Objection, the Court finds that  
 18 Plaintiff has not provided adequate basis to reject the findings of Judge Hoffman. Plaintiff has  
 19 not met his burden to show any likelihood that amendment would not be futile. Accordingly,  
 20 the Court will accept Judge Hoffman's findings, and will adopt his recommendation in full.

21 **IV. CONCLUSION**

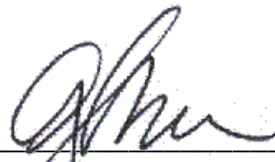
22 **IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 3) is  
 23 **ACCEPTED** in full.

24 **IT IS FURTHER ORDERED** that Plaintiff's Complaint (ECF No.) is **DISMISSED**

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1 **with prejudice** for failure to state a claim upon which relief can be granted.

2 **DATED** this 29th day of March, 2013.

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6 Gloria M. Navarro  
7 United States District Judge  
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